

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2023 JUN 29 PM 12:59

TROY DANIEL ALEXANDER,


Plaintiff,

v.

BOB ARKLEY, OFFICER PAXTON, and
OFFICER MUSURE,

Defendants.

Case No. 2:20-cv-123

CLERK
BY 
DEPUTY CLERK

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE


A review of the docket in this case reveals the following:

1. On March 17, 2023, the court issued an Opinion and Order dismissing Plaintiff Troy Daniel Alexander's Complaint and granting him leave to file a Third Amended Complaint within forty-five (45) days.
2. On May 11, 2023, the court issued an Order to Show Cause ordering Plaintiff to show cause within twenty (20) days of the date of that Order why this case should not be dismissed for lack of prosecution.
3. No further filings have been received as of the date of this Order.

Fed. R. Civ. P. 41(b) authorizes dismissal of an action when "the plaintiff fails to prosecute or comply with these rules or a court order[.]" Where a defendant has not moved under Rule 41(b), a court may nevertheless dismiss a case *sua sponte*. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962). Although Rule 41(b) does not define "[f]ailure to prosecute[.]" the Second Circuit has held that "[i]t can evidence itself either in an action lying dormant with no significant activity to move it or in a pattern of dilatory tactics." *Lyell Theatre Corp. v. Loews Corp.*, 682 F.2d 37, 42 (2d Cir. 1982).

Accordingly, pursuant to Federal Rule of Civil Procedure Rule 41(b), Plaintiff's case is hereby DISMISSED.

Dated at Burlington, in the District of Vermont, this 29th day of June, 2023.


Christina Reiss, District Judge
United States District Court